

In the United States Court of Federal Claims

No. 08-515 C
(Filed July 17, 2008)

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L-3 COMMUNICATIONS EOTECH,
INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant,

AIMPOINT, INC.,

Intervenor-defendant.

* * * * *

ORDER

L-3 Communications EOTech, Inc. (L-3 EOTech) filed its pre-award bid protest complaint on July 15, 2008. The court held a telephonic status conference with counsel on July 16, 2008, which, after counsel conducted further inquiries and conferred, was re-convened on July 17, 2008. Participating with the undersigned in the teleconference on July 17, 2008 were:

W. Jay DeVecchio, counsel for plaintiff;
Daniel E. Chudd, for plaintiff;
Roger A. Hipp, counsel for defendant;
Brian Toland, agency counsel;
Lawrence Block, counsel for intervenor-defendant;
John Bean, law clerk.

Plaintiff challenges L-3 EOTech's "exclusion from the competitive range under Solicitation No. W15QKN-07-R-0428." Compl. ¶ 1. The only bidder remaining in the competitive range for the solicitation is Aimpoint, Inc. *Id.* ¶ 5. Aimpoint's motion to intervene in this suit is unopposed, and granted. Plaintiff's motions to file its complaint and accompanying documents under seal, and for a protective order in this case, are also unopposed, and granted.

The parties agreed that this matter could be expeditiously resolved on the merits. Plaintiff's temporary restraining order and preliminary injunction motion is mooted by the government's commitment to delay award of this contract until August 18, 2008, or a short time thereafter. The remainder of the teleconference was largely devoted to establishing the schedule for various filings and oral argument, which is memorialized below. The court also requested an opportunity to see the weaponry, optical sights, and "gooseneck" mounts that form the factual background of this procurement, with a demonstration of how these items can be attached to one another; the location and scheduling of this demonstration are to be determined. The parties are encouraged to cooperate on resolving matters which might otherwise affect the expedited briefing schedule suggested by the parties.

Accordingly, it is hereby **ORDERED** that:

- (1) L-3 Communications EOTech, Inc.'s Motion for a Temporary Restraining Order and Preliminary Injunction, filed July 15, 2008, is **DENIED** as moot;
- (2) Aimpoint Inc.'s Motion to Intervene, filed July 17, 2008, is **GRANTED**;
- (3) Plaintiff's Motion for Protective Order, filed July 15, 2008, is **GRANTED**;
- (4) [Plaintiff's] Motion for Leave to File [Its Complaint and Certain Accompanying Documents] Under Seal, filed July 15, 2008, is **GRANTED**;
- (5) Defendant shall **FILE** the Administrative Record by **5:00 p.m.**, eastern time on **July 22, 2008**; Defendant shall also **DELIVER**

two bound paper copies of the Administrative Record to chambers by **5:00 p.m., eastern time on July 22, 2008;**

- (6) Plaintiff's Motion for Permanent Injunctive and Declaratory Relief, filed July 15, 2008, and the Memorandum filed on that date, shall be **DEEMED** Plaintiff's Motion for Judgment on the Administrative Record;
- (7) Defendant and intervenor-defendant shall **FILE** their Cross Motions for Judgment on the Administrative Record by **5:00 p.m., eastern time on July 25, 2008;**
- (8) Plaintiff shall **FILE** a Response/Reply to defendant's and intervenor-defendant's Cross Motions by **5:00 p.m., eastern time on August 1, 2008;** Plaintiff shall **FILE**, if any, its Revised Memorandum in Support of its Motion for Judgment on the Administrative Record by **5:00 p.m., eastern time on August 1, 2008;**
- (9) Defendant and intervenor-defendant shall **FILE** their Replies, if any, by **5:00 p.m., eastern time on August 6, 2008;**
- (10) Whenever briefing, including exhibits and attachments, causes an electronic filing to exceed thirty pages, the party shall **DELIVER** a paper courtesy copy of that filing to chambers by **5:00 p.m., eastern time** on the day of filing; and
- (11) **Oral Argument** shall be **HELD** on Monday, **August 11, 2008** at **11:00 a.m., eastern time**, at the United States Court of Federal Claims, National Courts Building, 717 Madison Place, N.W., Washington, D.C. The location of the courtroom will be posted on the directory in the lobby.

/s/Lynn J. Bush
LYNN J. BUSH
Judge